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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,917	02/03/2004	Arturo Mastelli	71312-0002	1695

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DICKINSON WRIGHT PLLC
1901 L. STREET NW
SUITE 800
WASHINGTON, DC 20036

EXAMINER	
KATCHEVES, BASIL S	
ART UNIT	**PAPER NUMBER**
3635	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/770,917	MASTELLI, ARTURO	
	Examiner	Art Unit	
	Basil Katcheves	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 9 and 10 are objected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 9, the applicant states that the panel thickness is less than the thickness of the tile. However, in claim 10, the applicant states that the panel has a horizontal edge which extends rearward thicker than the tile. This appears to claim the panel is being thicker than the tile, conflicting with claim 9. Clarification is required.

Claim Rejections - 35 USC § 103

Claims 1 and 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,724,465 to Krauss et al in view of U.S. Patent No. 4,506,482 to Pracht et al. as in the previous office action.

Regarding claims 1, Krauss discloses a curtain wall structure having a framework with a series of panels (fig. 6). Krauss also discloses an insulating panel (fig. 6: 42) being flush with the frame (fig 6: 50). Krauss also discloses an outer tile (fig. 6: U) which is secured to the insulating panel and to the frame. Krauss also discloses the panel as having a perimeter with an angled edge (see 90 degree edge of panel) and the edge is coupled to the frame (fig. 15: see panel edge in direct contact and coupled to the frame). However, Krauss does not disclose tiles adhered to the panels with silicone.

Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by adhering tiles in order to improve the aesthetics and make a better bond to the panel. Krauss also discloses the panels as having inherent edges located at the outer perimeter of the panels which aid in the rigidity of the panel.

Regarding claim 3, Krauss discloses the panels as being on the same plane as the front surface of the frame (fig. 6, see face of panel 42).

Regarding claim 4, Krauss discloses the use of fasteners to secure the panels to the frame (fig. 15: 99).

Regarding claim 5, Krauss discloses a gasket between the perimeter of the tiles and the frame (fig. 16: 115).

Regarding claim 6, Krauss discloses top and bottom retainers for securing the tiles to the frame (fig. 6: 40 & 48).

Regarding claim 7, Krauss discloses a seal between adjacent tiles (fig. 15: 116).

Regarding claim 8, Krauss discloses the size of the panels as being substantially the same as the size of the frame openings (fig. 6) and the tiles as being larger than the frame opening (fig 6: U compared to 42).

Regarding claims 9, Krauss in view of Pracht discloses the basic claim structure of the instant application but does not disclose specific thickness. It would have been an obvious design choice to vary the thickness of tiles and panels in order to decrease or increase the curtain wall weight and strength.

Regarding claim 10, Krauss discloses the panels as having an edge portion (fig. 6: see bottom of 42) that has a rearward dimension that is greater than the thickness of the tile (fig. 6:U).

Regarding claim 11, Pracht discloses the use of ceramic tiles (column 2, line 53).

Regarding claim 12, Krauss in view of Pracht discloses the basic claim structure of the instant application but does not disclose specific dimensions. It would have been an obvious design choice to vary the widths of tiles and panels in order to decrease or increase the curtain wall weight and strength.

Regarding claims 13, Krauss discloses a curtain wall structure having a framework with a series of panels (fig. 6). Krauss also discloses a panel (fig. 6: 42) being flush with the frame (fig 6: 50) and substantially the same size as the frame openings. Krauss also discloses the panel as having an edge (fig. 6: bottom of 42) as extending normal to the plane of the front frame surface. Also, Krauss discloses the panel as having a perimeter with an angled edge (see 90 degree edge of panel) and the edge is coupled to the frame (fig. 15: see panel edge in direct contact and coupled to the frame).Krauss also discloses an outer tile (fig. 6: U) which is secured to the insulating panel and to the frame. However, Krauss does not disclose tiles adhered to the panels with silicone. Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by adhering tiles in order to improve the aesthetics and make a better bond to the panel.

Regarding claim 14, Krauss discloses the tiles as being larger than the openings and also discloses the panels as being connected to the frame along the perimeter (fig. 15: where 94 points). However, Krauss does not disclose the panels as being larger than the frame openings. Pracht discloses panels as being larger than frame openings (fig. 10: 67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by using a panel of larger size than the pening, as disclosed by Pracht, in order to create a tighter, weather proof seal.

Regarding claims 15, Krauss discloses providing a curtain wall structure having a framework with a series of panels (fig. 6). Krauss also discloses the panel (fig. 6: 42) as being flush with the frame (fig 6: 50) and substantially the same size as the frame openings. Krauss also discloses the panel as having an edge (fig. 6: bottom of 42) as extending normal to the plane of the front frame surface. Krauss also discloses an outer tile (fig. 6: U) which is secured to the insulating panel and to the frame. However, Krauss does not disclose tiles adhered to the panels with silicone. Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by adhering tiles in order to improve the aesthetics and make a better bond to the panel. Krauss does not specifically mention a light weight panel. However, the panel may be made "light weight" when made with a "light weight" aggregate.

Response to Arguments

Applicant's arguments filed 7/19/05 have been fully considered but they are not persuasive. Applicant argues the use of the components of the prior art (panels and tiles). Applicant states that the prior art are insulation components, and not support panels. However, the applicant should note that weight is given to the structure claimed by the applicant and not to the intended use. The structural limitations of the applicants panel system are broad and as such, the components of the prior art meet these structural limitations as presented in the claims. The applicant also has clarified the connection between the edge and frame relationship. However, the limitations on the panels are merely an angled edge and this angled edge coupled to the frame. There are no limitations which explain any detail in what type of angled edge this is and by what means constitutes the coupling. Therefore, the prior art may meet these limitations by containing an angled edge and by having the panel coupled to the frame. Clearly, if the panel of the prior art is not coupled to the frame, it would fall apart. Applicant also argues the combination of the prior art. The applicant should note that Pracht discloses a tiled wall, as does Krauss, except that Pracht discloses the use of silicone to insulate and adhere the tiles. Applicant should note that the use of silicone adhesive is commonly used in the art of exterior siding insulation (as well as interior insulation) and it is well known in the art to apply a silicone adhesive wherever there may be ingress of moisture in order to damage. The Applicant states that Krauss teaches away from adhering tiles to the support panels, but Krauss does not teach

away from the use of adhesive silicone for preventing weather damage. It is obvious for most exterior structures to use silicone in most unfilled cavities or gaps.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK

11/21/05

Basil Katcheves

Examiner AU 3635